

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

RHO-CHEM CORPORATION
435 Isis Avenue
Inglewood, CA 90301

EPA ID No.: CAD 008 364 432

Respondent.

Docket HWCA 2002 0057

ENFORCEMENT ORDER

Health and Safety Code

Section 25187

INTRODUCTION

1.1 Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Rho-Chem Corporation (Respondent).

1.2. Site. Respondent generates, handles, stores and/or disposes of hazardous waste at the following site: 435 Isis Avenue, Inglewood, California 90301 (Site).

1.3. Permit/Interim Status. The Department authorized Respondent to manage hazardous waste by Hazardous Waste Facility Permit issued on September 28, 1990, and modified on November 21, 2001.

1 1.4. Jurisdiction. Section 25187 of the Health and
2 Safety Code authorizes the Department to order action necessary to
3 correct violations and assess a penalty when the Department
4 determines that any person has violated specified provisions of the
5 Health and Safety Code or any permit, rule, regulation, standard,
6 or requirement issued or adopted pursuant thereto.

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8 DETERMINATION OF VIOLATIONS

9 2. The Department has determined that:

10 2.1.a. The Respondent violated California Code of
11 Regulations, title 22, section 66264.171, in that on or about June
12 29, 2002, Respondent failed to transfer hazardous waste from 55-
13 gallon drums not in good condition (bulging) to containers in good
14 condition.

15 2.1.b. The Respondent violated California Code of
16 Regulations, title 22, section 66264.171, in that on or about June
17 29, 2002, Respondent failed to transfer hazardous waste from a
18 leaking roll-off bin to a container(s) in good condition.

19 2.2. The Respondent violated California Code of
20 Regulations, title 22, section 66264.31, in that on or about June
21 29, 2002, Respondent failed to maintain and operate its facility in
22 a manner to minimize the possibility of unplanned release of
23 hazardous waste constituents to air which could threaten human
24 health or the environment. Respondent failed to close the manhole
25 of Tank 35 allowing volatile organics to be released into the air.

26 2.3. The Respondent violated California Code of
27 Regulations, title 22, section 66264.14, subsection (c), in that on
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1 or about June 29, 2002, Respondent failed to post at an entrance to
2 an active portion of the facility a sign with the legend: "DANGER
3 HAZARDOUS WASTE AREA - UNAUTHORIZED PERSONNEL KEEP OUT."

4 2.4. The Respondent violated California Code of
5 Regulations, title 22, section 66264.193, subsection (c) (2), in
6 that on or about June 29, 2002, Respondent failed to maintain the
7 secondary containment system for above ground tank storage area B
8 and drum storage area A free of cracks and holes.

9 SCHEDULE FOR COMPLIANCE

10 3. Based on the foregoing Determination of Violations,
11 IT IS HEREBY ORDERED THAT:

12 3.1. Respondent has corrected the violations cited above.
13 Respondent shall operate hereafter in a manner that shall prevent
14 recurrences of the violations cited herein.

15 3.2. Submittals. All submittals from a Respondent
16 pursuant to this Order shall be sent to:

17 Roberto Kou, Unit Chief
18 Statewide Compliance Division
19 Department of Toxic Substances Control
20 1011 North Grandview Avenue
21 Glendale, California 91201

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23 3.3. Communications All approvals and decisions of the
24 Department made regarding submittals and notifications will be
25 communicated to Respondent in writing by the Branch Chief,
26 Department of Toxic Substances Control, or his/her designee. No
27 informal advice, guidance, suggestions, or comments by the
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1 Department regarding reports, plans, specifications, schedules, or
2 any other writings by Respondent shall be construed to relieve
3 Respondent of the obligation to obtain such formal approvals as may
4 be required.

5 3.4. Department Review and Approval. If the Department
6 determines that any report, plan, schedule, or other document
7 submitted for approval pursuant to this Order fails to comply with
8 the Order or fails to protect public health or safety or the
9 environment, the Department may:

10 a. Modify the document as deemed necessary and approve
11 the document as modified, or

12 b. Return the document to Respondent with recommended
13 changes and a date by which Respondent must submit to the Department
14 a revised document incorporating the recommended changes.

15 3.5. Compliance with Applicable Laws: Respondent shall
16 carry out this Order in compliance with all local, State, and
17 federal requirements, including but not limited to requirements to
18 obtain permits and to assure worker safety.

19 3.6. Endangerment during Implementation: In the event
20 that the Department determines that any circumstances or activity
21 (whether or not pursued in compliance with this Order) are creating
22 an imminent or substantial endangerment to the health or welfare of
23 people on the site or in the surrounding area or to the environment,
24 the Department may order Respondent to stop further implementation
25 of this Order for such period of time as needed to abate the
26 endangerment. Any deadline in this Order directly affected by a
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1 Stop Work Order under this section shall be extended for the term
2 of the Stop Work Order.

3 3.7. Liability: Nothing in this Order shall constitute
4 or be construed as a satisfaction or release from liability for any
5 conditions or claims arising as a result of past, current, or future
6 operations of Respondent. Notwithstanding compliance with the terms
7 of this Order, Respondent may be required to take further actions
8 as are necessary to protect public health or welfare or the
9 environment.

10 3.8. Site Access: Access to the site shall be provided
11 at all reasonable times to employees, contractors, and consultants
12 of the Department, and any agency having jurisdiction. Nothing in
13 this Order is intended to limit in any way the right of entry or
14 inspection that any agency may otherwise have by operation of any
15 law. The Department and its authorized representatives shall have
16 the authority to enter and move freely about all property at the
17 Site at all reasonable times for purposes including but not limited
18 to: inspecting records, operating logs, and contracts relating to
19 the Site; reviewing the progress of Respondent in carrying out the
20 terms of this Order; and conducting such tests as the Department may
21 deem necessary. Respondent shall permit such persons to inspect and
22 copy all records, documents, and other writings, including all
23 sampling and monitoring data, in any way pertaining to work
24 undertaken pursuant to this Order.

25 3.9. Data and Document Availability. Respondent shall
26 permit the Department and its authorized representatives to inspect
27 and copy all sampling, testing, monitoring, and other data generated
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1 by Respondent or on Respondent's behalf in any way pertaining to
2 work undertaken pursuant to this Order. Respondent shall allow the
3 Department and its authorized representatives to take duplicates of
4 any samples collected by Respondent pursuant to this Order.
5 Respondent shall maintain a central depository of the data, reports,
6 and other documents prepared pursuant to this Order. All such data,
7 reports, and other documents shall be preserved by Respondent for
8 a minimum of six years after the conclusion of all activities under
9 this Order. If the Department requests that some or all of these
10 documents be preserved for a longer period of time, Respondent shall
11 either comply with that request, deliver the documents to the
12 Department, or permit the Department to copy the documents prior to
13 destruction. Respondent shall notify the Department in writing at
14 least six months prior to destroying any documents prepared pursuant
15 to this Order.

16 3.10. Government Liabilities: The State of California
17 shall not be liable for injuries or damages to persons or property
18 resulting from acts or omissions by Respondent or related parties
19 in carrying out activities pursuant to this Order, nor shall the
20 State of California be held as a party to any contract entered into
21 by Respondent or its agents in carrying out activities pursuant to
22 the Order.

23 3.11. Incorporation of Plans and Reports. All plans,
24 schedules, and reports that require Department approval and are
25 submitted by Respondent pursuant to this Order are incorporated in
26 this Order upon approval by the Department.
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1 3.12. Extension Request: If Respondent is unable to
2 perform any activity or submit any document within the time required
3 under this Order, the Respondent may, prior to expiration of the
4 time, request an extension of time in writing. The extension
5 request shall include a justification for the delay.

6 3.13. Extension Approvals: If the Department determines
7 that good cause exists for an extension, it will grant the request
8 and specify in writing a new compliance schedule.

9 OTHER PROVISIONS

10 4.1. Additional Enforcement Actions: By issuance of this
11 Order, the Department does not waive the right to take further
12 enforcement actions.

13 4.2. Penalties for Noncompliance: Failure to comply with
14 the terms of this Order may also subject Respondent to costs,
15 penalties, and/or punitive damages for any costs incurred by the
16 Department or other government agencies as a result of such failure,
17 as provided by Health and Safety Code section 25188 and other
18 applicable provisions of law.

19 4.3. Parties Bound: This Order shall apply to and be
20 binding upon Respondent, and its officers, directors, agents,
21 employees, contractors, consultants, receivers, trustees,
22 successors, and assignees, including but not limited to individuals,
23 partners, and subsidiary and parent corporations.

24 4.4. Time Periods. "Days" for purposes of this Order
25 means calendar days.

PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$38,500. Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Roberto Kou, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance January 17, 2003

Original signed by Roberto Kou

Roberto Kou, Unit Chief

Statewide Compliance Division

Department of Toxic Substances Control